IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

APPEAL NO.943 OF 2005
IN
NOTICE OF MOTION NO.914 OF 2005
IN
SUIT NO.918 OF 2005

Teja Ram Choudhary .. Appellant

v/s.

M/s.Shelter Makers & ors. .. Respondents

Mr.D.H.Mehta i/by Mr.C.N.Gole for the appellant.

Mr.Cyrus Ardeshir i/by M/s.Madekar & Co. for the respondent No.2.

Mr.J.R.Vakil i/by M/s.J.R.Vakil & Associates for the respondent Nos.3,6 and 7.

Mr.Harish Dongre with Mr.Deven Chauhan & Mr.Nikhil Mehta i/by M/s.KMC Legal Venture for the respondent Nos.1 and 8.

CORAM : R.M.LODHA AND
P.V.KAKADE, JJ.

DATED : 2nd December, 2005

P.C.

Heard Mr.D.H.Mehta, the learned counsel for the appellant.

2. By the impugned order, the learned motion Judge refused to continue the ad-interim order dated 28.4.2005. As of now, we are informed that the defendant Nos.1 and 8 have furnished the details of the agreement/s of sale and third party rights created in respect of the subject property to the plaintiff's. In this view of the matter, it would be in the fitness of things if notice of motion itself is heard by the learned motion Judge at an early date.

3. We, accordingly, decline to entertain the appeal and request the learned motion Judge to take up the notice of motion for final hearing as early as possible and preferably before the High Court closes for ensuing Christmas Vacation.

4. Needless to say that the observations made by the learned Judge in the impugned order shall not influence the consideration of the notice of motion on merits. We keep the contentions of the parties open to be agitated before the learned motion Judge.

5. Appeal is disposed of accordingly.

(R.M.LODHA, J.)

(P.V.KAKADE, J.)